

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LUCIA LANZILLO,

Plaintiff,

-against-

NANCY BERRYHILL, Acting Commissioner of
Social Security,

Defendant.

AZRACK, United States District Judge:

For Online Publication Only

ORDER

19-CV-1068 (JMA)(ARL)

**FILED
CLERK**

4/27/2021 5:01 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Plaintiff Lucia Lanzillo (“Lanzillo”) commenced this action pursuant to the Social Security Act, 42 U.S.C. § 405(g) et seq. Plaintiff appealed the final administrative decision of the Commissioner denying her request for disability benefits. The parties filed cross-motions for judgment on the pleadings. This Court referred the motions to Magistrate Judge Arlene R. Lindsay for a Report and Recommendation (“R&R”). On March 24, 2021, Judge Lindsay issued an R&R recommending that: (1) Lanzillo’s motion for judgment on the pleadings be denied; (2) the Commissioner’s cross-motion for judgment on the pleadings be denied; and (3) the case be remanded to the Commissioner for further proceedings consistent with the R&R.¹

In reviewing a magistrate judge’s report and recommendation, the court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05–CV–5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). The court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. §

¹ Lanzillo’s motion requested that the Court remand this case solely for the calculation of benefits.

636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

To date, no objections have been filed to the R&R and the deadline for filing any such objections has passed.

I have reviewed Judge Lindsay's R&R for clear error, and finding none, I adopt the R&R in its entirety as the opinion of this Court. Accordingly, Lanzillo's motion for judgment on the pleadings is DENIED, the Commissioner's cross-motion for judgment on the pleadings is DENIED, and the case is remanded to the Commissioner for further proceedings consistent with the R&R.

The Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.

Dated: April 27, 2021
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE